

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FEB 01 2006
MRS. W. MCCORMACK, CLERK
DEPT. OF CLERK

KATHRYN WEDGEWORTH

PLAINTIFF

vs.

4-06 CV00000174 JLH
CIVIL ACTION NO.

BAXTER HEALTHCARE CORP.

DEFENDANT

NOTICE OF REMOVAL This case assigned to District Judge Helen
and to Magistrate Judge Pines

TO: L. Oneal Sutter
Franki E. Heenan
HARRILL & SUTTER, PLLC
Post Office Box 26321
Little Rock, Arkansas 72221-6321

ATTORNEYS FOR PLAINTIFF

PLEASE TAKE NOTICE that Baxter Healthcare Corporation ("BHC"), Defendant in the above styled and numbered cause, has filed this Notice of Removal, as required by law and the rules of Court, for the removal of the cause entitled "Kathryn Wedgeworth v. Baxter Healthcare Corporation," number CV05-14707 on the docket of the Circuit Court of Pulaski County, Arkansas, Ninth Division, from that Court to the United States District Court for the Eastern District of Arkansas, Western Division.

Pursuant to the removal, please proceed no further with this matter in the Circuit Court of Pulaski County, Arkansas. Your attention is specifically directed to Section 1441 *et seq.*, Title 28, United States Code, as amended.

BHC, appearing specially and for the sole purpose of effecting removal to this Court, states the following as grounds for removal:

1.

This Notice of Removal has been filed within the time period prescribed in 28 U.S.C. §1446(b). Solely for purposes of removal, venue is proper in the Western Division of the Eastern District of Arkansas pursuant to 28 U.S.C. §1441(a) and §1446(a).

2.

BHC is the defendant in the previously identified civil action now pending in the Circuit Court of Pulaski County, Arkansas. The suit is an action by Plaintiff to recover certain sums of money from BHC for alleged gender discrimination under the Arkansas Civil Rights Act of 1993. Plaintiff seeks damages allegedly sustained as a result thereof, all as set forth in the Complaint.

3.

The suit was instituted on November 15, 2005, which was the date on which the Complaint was filed. Defendant was served with the Complaint on January 3, 2006. Defendant files and presents this Notice of Removal within thirty (30) days after receipt, through service or otherwise, of a copy of the Complaint, setting forth the claim for relief upon which such action or proceeding is based, as required by Title 28, United States Code, Section 1446, as amended.

4.

Copies of all process, pleadings and orders served in this action are attached hereto.

5.

Plaintiff's demand for damages is allegedly the result of certain events described in the Complaint. Those events are alleged to have resulted in certain loss or damage to Plaintiff which Plaintiff claims to be recoverable by her from BHC because it allegedly wrongfully failed to promote her, all as more particularly set forth in the Complaint.

6.

On information and belief, BHC avers that Plaintiff is a citizen of the State of Arkansas, as set forth in the Complaint.

7.

Defendant BHC is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in the State of Illinois.

8.

The controversy in this suit therefore is, and at the time of commencement thereof was, and at all times since has been, a controversy between citizens of different states. There is, therefore, diversity of citizenship between Plaintiff and BHC.

9.

Plaintiff in said suit seeks to hold defendant liable for alleged gender discrimination. Plaintiff alleges that she has suffered "severe mental, emotional, and physical distress, lost wages, lost fringe benefits, lost earning capacity, and incurred expenses that would not otherwise have been incurred." While Plaintiff does not specify the amount of damages sought, in her Complaint she requests compensatory and punitive damages, front pay, back pay, attorney's fees and costs, and "all other just and proper relief." From the face of the Complaint, it is facially apparent the amount in controversy is over the requisite jurisdictional threshold set out in 28 U.S.C. § 1332. On information and belief, the matter in controversy between the plaintiff and the defendant exceeds the sum or value of Seventy-Five Thousand and No/100 Dollars (\$75,000.00), exclusive of interest and costs.

10.

For the foregoing reasons, this Court has jurisdiction of the subject matter pursuant to Title 28, United States Code, Section 1332, as amended.

WHEREFORE, Defendant Baxter Healthcare Corporation respectfully requests that this action be removed.

Respectfully submitted,

BAXTER HEALTHCARE CORPORATION,
Defendant

By: 
PAULA GRAVES ARDELEAN (MB #4975)

Its Attorney

Of Counsel:

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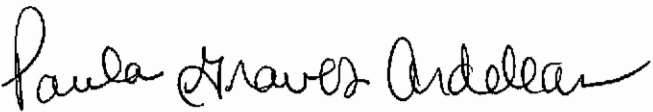
CERTIFICATE OF SERVICE

I, Paula Graves Ardelean, attorney for Baxter Healthcare Corporation, do hereby certify that I have this day served a true and correct copy of the above and foregoing Notice of Removal by United States Mail, postage fully prepaid, to the following:

L. Oneal Sutter
Franki E. Heenan
HARRILL & SUTTER, PLLC
Post Office Box 26321
Little Rock, Arkansas 72221-6321

ATTORNEYS FOR PLAINTIFF

SO CERTIFIED, this the 31st day of January, 2006.



Paula Graves Ardelean

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